



SUBDIVISION REGULATIONS

Town of Northwood, NH

Adopted July 27, 1995

Revised July 2004

TABLE OF CONTENTS

<u>SECTION 1.00: GENERAL PROVISIONS</u>	1
1.01 ABOUT TOWN REGULATIONS.	1
1.02 PURPOSE.	2
1.03 AUTHORITY.	3
1.04 DEFINITIONS.	3
1.05 COMMUNICATIONS BETWEEN TOWN AND APPLICANT.	4
1.06 APPLICABILITY.	5
1.07 GENERAL GUIDANCE.	6
<u>SECTION 2.00: APPLICATION PROCEDURES</u>	9
2.01 PRELIMINARY CONCEPTUAL CONSULTATION.	9
2.02 DESIGN REVIEW.	9
2.03 BOUNDARY LINE ADJUSTMENT.	10
2.04 MINOR SUBDIVISION.	11
2.05 MAJOR SUBDIVISION.	12
2.06 FEES.	14
2.07 COMPLETE APPLICATION.	14
2.08 SUBMITTAL OF APPLICATION MATERIALS.	14
2.09 APPLICATION FOR OTHER PERMITS/APPROVALS.	14
2.10 PUBLIC NOTICE.	15
2.11 REGIONAL NOTICE.	16
2.12 APPLICATION ACCEPTANCE.	17
2.13 APPLICANT'S PRESENTATION.	17
2.14 PUBLIC HEARING.	17
2.15 DELIBERATION.	17
2.16 INTERMEDIATE DECISIONS.	18
2.17 DECISION.	19
2.18 NOTICE OF DECISION.	20
2.19 APPEALS.	21
2.20 REVOCATION OF APPROVAL.	21
<u>SECTION 3.00: DESIGN STANDARDS</u>	22
3.01 CHARACTER OF THE LAND AND LOTS.	22
3.02 ROADS.	23
3.03 DRIVEWAYS AND ACCESS POINTS	30
3.04 DRAINAGE.	31
3.05 PEDESTRIAN AND BICYCLE AMENITIES.	32
3.06 SURVEY MONUMENTATION.	32
3.07 WATER SUPPLY.	33
3.08 SEWAGE DISPOSAL.	35
3.09 UTILITIES.	36
3.10 LANDSCAPING.	36

3.11	EMERGENCY SERVICES.	.....	37
3.12	RECREATIONAL AMENITIES.	.....	37
3.13	MITIGATION OF IMPACTS.	.....	39
<u>SECTION 4.00: PLAT STANDARDS</u>			40
4.01	SIZE.	.....	40
4.02	MATERIAL AND NUMBER OF COPIES.	.....	40
4.03	BASIC INFORMATION.	.....	40
4.04	BOUNDARY SURVEY PLANS.	.....	40
4.05	ENGINEERING PLANS.	.....	40
4.06	APPROVAL SHEET(S).	.....	41
4.07	MULTIPLE SHEETS.	.....	41
4.08	SCALE.	.....	41
4.09	AREA OF COVERAGE.	.....	41
4.10	SITE INFORMATION.	.....	42
<u>SECTION 5.00: ADMINISTRATION</u>			45
5.01	WAIVERS OR SUBSTITUTIONS.	.....	45
5.02	TECHNICAL ASSISTANCE.	.....	46
5.03	RECORDING APPROVED PLANS.	.....	46
5.04	FINANCIAL SECURITIES.	.....	46
5.05	APPROVAL REQUIRED.	.....	47
5.06	AS-BUILT PLANS.	.....	47
5.07	ENFORCEMENT.	.....	48
5.08	INSPECTIONS.	.....	48
5.09	COMPLIANCE WITH OTHER CODES.	.....	49
5.10	SAVING CLAUSE.	.....	49
<u>SECTION 6.00: APPLICATION FORMS & CHECKLISTS</u>			51
SECTION 7.00: NHDOT SUGGESTED MINIMUM DESIGN STANDARDS FOR RURAL SUBDIVISION STREETS			57

SECTION 1.00: GENERAL PROVISIONS

1.01 ABOUT TOWN REGULATIONS.

- (A) Related Town Codes. The Town of Northwood has several other regulations which may affect an application. The Town Ordinances contain provisions regarding lot size, frontage, and other such factors. The Site Plan Review Regulations apply to all non-residential and multi-family development.
- (B) Organization and Cross-references. To fully understand this code, it is important to understand how this regulation is organized and cross-referenced.
- (1) Organization of this Regulation.
- (a) Sections. This regulation is divided into six Sections. Each Section is simply a grouping of related issues or requirements, and readers should identify the article in which an answer is likely to be found. The six sections are:
- §1.00 General Provisions.
 - §2.00 Application Procedures.
 - §3.00 Design Standards.
 - §4.00 Plat Standards.
 - §5.00 Administration.
 - §6.00 Application Forms and Checklists.
 - §7.00 NHDOT Suggested Minimum Design Standards for Rural Subdivision Streets.
- (b) Sub-sections. Each Section is divided into sub-sections, each of which may be further divided as needed. It is easiest to use the Table of Contents to locate the major sub-sections.
- (2) Cross-referencing System. Within this regulation there are many references to other Sections of this code. These cross-references are provided to help the reader find needed information, and to inform the reader of related provisions. The reference for this Section is written as follows:

§1.00

The symbol "§" means section. In all cases, the information following the "§" starts with the Section, then the sub-sections in descending order. The reference for this subsection is written as follows:

§1.01(B)(2)

The number to the left of the decimal point refers to the Section, the number following the decimal point is the sub-section, and so forth. Additional levels of hierarchy would be shown as follows:

§1.01(B)(3)(c)[2][e]

The reader should note that only the first letter is capitalized, and that the rounded parentheses are used before the square parentheses. Also, the text of each level is indented farther than the previous level.

- (C) The term "shall" requires a mandatory action in all cases, while "should" implies that the action is appropriate in most cases. The board is responsible for deciding, on a case by case basis, how to apply the "should" provisions.
- (D) State Laws. State laws are referenced frequently in this regulation. In New Hampshire, State laws are known as Revised Statutes Annotated, which is abbreviated as, "RSA," and is followed by the appropriate chapter and section references.

1.02 PURPOSE. The general purpose of this regulation is to protect the public health, safety, convenience, prosperity and general welfare of the town as lots are divided, new land use patterns are established, and new roads, facilities and utilities are built. Throughout this regulation, the board seeks to balance the need for growth, development and change with the need to protect and enhance those qualities which make Northwood a safe and desirable place to live, work, and visit. In keeping with this general purpose, the following are specific objectives:

- (A) Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- (B) Provide for the harmonious development of the town and its environs, including that which protects and enhances the town's historic and architectural resources;

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- (C) Provide adequate open space, neighborhood parks, and other recreation areas;
 - (D) Provide for proper spacing and patterns of properties and buildings to ensure adequate sunlight and air circulation, access for fire fighting apparatus and equipment, and establishment of land use patterns compatible with traditional New England design, especially in new residential neighborhoods;
 - (E) Ensure that land is of sufficient character to be used for building purposes without danger to health, and additionally ensuring that development does not exceed the capability of the land to safely provide on-site water supply and sewage disposal in areas not served by municipal or precinct water systems.
 - (F) Facilitate adequate provision of public facilities, utilities and services; and
 - (G) Require proper arrangement, design, and construction of streets, sidewalks, bicycle paths, and other transportation improvements to compose a safe, convenient and environmentally compatible circulation system which integrates with the overall town systems.
 - (H) Provide for subdivision of land that reflects the intent and spirit of the town's Master Plan.
 - (I) Consider open space design meeting the requirements of 6.05(A)(4) of the Northwood Development Ordinance.

1.03 AUTHORITY. Under authority of RSA 674:35 and authorization by Town Meeting, the planning board repeals the previous Subdivision Regulations and hereby adopts this new regulation on July 27, 1995.

1.04 DEFINITIONS. As used in this regulation, the following terms shall have the meanings indicated:

Boundary Line Adjustment. 1) The alteration of lot boundaries between two or more adjoining lots which does not change the number of lots. 2) The creation of a different form or division of ownership of an existing property which does not require physical changes.

Major Subdivision. 1) The division of a lot into a greater number of lots, but which does not fit the definition of a Minor Subdivision. 2) An increase in the number of residential units on a single lot, but which does not fit the definition of a Minor Subdivision.

Minor Subdivision. 1) The division of a lot into a greater number of lots, provided that: no new road is required; and there is no potential for a road to be required for the full development of any remaining developable portion of the land. 2) An increase in the number of residential units on a single lot, provided that the total proposed number of such units does not exceed two.

Reserve Strip. Any privately held property that separates a proposed subdivision road from adjacent lots or roads with the intent of preventing connection of roads to form a network, or preventing access from lots onto a road.

Residential Unit. One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single household or family.

Subdivision. Division of a lot into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision. The granting of an easement in gross for public utilities shall not be deemed a subdivision.

1.05 COMMUNICATIONS BETWEEN TOWN AND APPLICANT. There are many people involved in the processing of each application, and communication problems develop quickly if great care is not taken from the start. To prevent communication problems from developing, it is important for both the town and the applicant to designate one person each to coordinate all communications. This prevents repetition of questions, prevents two people from giving different answers to the same question, and should help to keep interpretation of opinions consistent.

(A) Applicant's Authorized Representative. The application form shall designate one person to act as the "authorized representative." All communication to the applicant shall be made through this person, and this person shall be present at all meetings with the board. In the text of this regulation, references to the applicant shall also imply the authorized representative.

(B) Town.

(1) All communications to the town shall be directed to the chairman of the

planning board and addressed to Town Hall. The chairman will forward communications to others as necessary.

- (2) There shall be no contact by the applicant, abutters, nor any other person associated or affected by the application with any members of the board except at the board meetings. All questions should be addressed to the planning board Chairman. Concerns or comments should be addressed to the entire board at the regular meetings of the board. This procedure is essential to ensure that all board members receive the same information about the application, and are all therefore equally able to render the best decision possible.

1.06 APPLICABILITY. These regulations apply differently to differing types of activities.

- (A) Lot Consolidation. The combination of two or more lots under common ownership to form a single lot does not require subdivision approval. State statute permits municipalities only to control the dividing of lots. To combine lots, a plan which shows the lots and clearly indicates that the lots are to be permanently combined and considered one must be filed with the town and the Rockingham County Registry of Deeds, per RSA 676:18,II, III and IV. It should also be understood that the combination of lots itself shall not be permitted if it creates any violation of any local, state or federal code, nor shall it be permitted if it worsens existing violations.
- (B) Subdivisions. This regulation provides for three different types of applications, each with its own specific requirements:
 - (1) Boundary Line Adjustment. The alteration of lot boundaries between two or more adjoining lots which does not change the number of lots. Further information and instructions are provided in §2.03.
 - (2) Minor Subdivision. The subdivision of a lot into any number of lots, provided that no new road is required and that there is no potential for a road to be required for the full development of any remaining developable portion of the land. This shall also include a subdivision which increases the number of residential units on a single lot, provided that the total number of such units does not exceed two. Further information and instructions are provided in §2.04.
 - (3) Major Subdivision. Any subdivision not classified as a Minor Subdivision. Essentially, this is any subdivision which creates or has the potential to

create a new road, and any subdivision which increases residential density beyond that which may be approved as a Minor Subdivision. Further information and instructions are provided in §2.05.

1.07 GENERAL GUIDANCE. The following advice is offered to assist the applicant, especially if the applicant is unfamiliar with land development processes.

- (A) All applicants will need to hire professionals to prepare part or all of the application. In all cases, a NH Licensed Land Surveyor is required. In some cases, other specialists will be needed, possibly including a licensed professional engineer, an attorney, a soils scientist, or others. While such assistance does cost money, their skills and abilities are essential to ensure that the town and applicant have sound information on which to base their decisions.
- (B) The board is concerned about processing all applications fairly and quickly. To accomplish this, the applicant shares certain responsibilities. The applicant must be properly prepared. This includes reading these regulations to understand the issues which must be addressed, and includes dealing with all the significant issues up front. Incomplete submittals, or failure to properly address issues will result in unnecessary delays in obtaining a final decision from the board.
- (C) The application process is similar for all applications, although the amount of work and time to obtain an approval vary widely.
 - (1) All applications follow this basic process:
 - (a) Preparation. The applicant prepares the application, usually done by hired professionals. This may involve some discussion with the board through conceptual consultation or design review meetings.
 - (b) Application Acceptance. Upon submittal of the application materials to the town, the application is placed on the next available planning board agenda for consideration. By State law, there is a minimum lead time of 15 days.
 - (c) Scattered & Premature. The board may make certain findings that a proposed development is scattered & premature, which may lead to modification of the application or could result in denial.
 - (d) Road Layout. For Major Subdivisions only, the board requires extra

meetings to discuss road layout and function before it will accept or review final road design plans. This permits transportation issues to be discussed conceptually before the exact details of specific designs are developed.

- (e) Public Hearing. All applications will have a public hearing. This is the official opportunity for the public to ask questions about the application, to raise issues, offer suggestions, or indicate their support or opposition. The Hearing may be interspersed with periods of deliberation by the board, and may be continued to future dates.
 - (f) Decision. In the end, the board must decide whether to approve or deny the application. In the majority of cases, the board approves the application with conditions, which means that there are additional administrative or technical requirements which must be satisfied to obtain the full approval.
- (2) Timing. Perhaps the most commonly asked question about an application to a planning board is "how long will it take?" There is no standard answer. At a minimum, there must be a meeting with the board, and this alone requires at least 15 days lead time. Boundary Line Adjustments and Minor Subdivisions are often approved at a single meeting. Major Subdivisions, however, require a minimum of two meetings and are likely to take two to three months to complete. However, this general answer is all based on the assumptions that the applicant is properly prepared, and that no unusual circumstances arise. Without the applicant's consent, however, it is very unlikely that an application process can take longer than six months.

SECTION 2.00: APPLICATION PROCEDURES

2.01 PRELIMINARY CONCEPTUAL CONSULTATION. This meeting shall be directed at a review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. The board and applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. The presentation to the board of new surveys, engineering plans or similar materials shall require the Design Review process to be followed, so the must be careful to keep these discussions at a general level. Typically, maps from the Master Plan, tax maps, county soil survey maps and the like are acceptable levels of generality upon which to base these discussions. Such consultation shall not bind either the applicant or the board, and statements made by board members shall not be the basis for disqualifying said members or invalidating any action taken. Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the board. Preliminary conceptual consultation meetings are strictly optional to the applicant.

2.02 DESIGN REVIEW.

- (A) The board and applicant may engage in nonbinding discussions beyond conceptual and general discussions, addressing more specific design, planning and engineering details, provided that the design review may proceed only after formal public notice is provided. Statements made by board members shall not be the basis for disqualifying said members of invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in §2.06(B), and shall provide all required materials and information required for public notice per §2.10 and §2.11. Design Review meetings are strictly optional to the applicant, but such meetings can be helpful in identifying and resolving problems in an application prior to major design investments by the applicant.
- (B) The Design Review meeting is especially appropriate for receiving comments on the general road plan of a Major Subdivision before time and money are invested on the final design per §2.16(A), and for reviewing the concepts for an Open Space Development subdivision.

2.03 BOUNDARY LINE ADJUSTMENT. The application for a Boundary Line Adjustment shall be made to the board, and shall follow the process specified in §2.06 through §2.20 of this regulation. Approved plans shall be signed and recorded at the Rockingham County

Registry of Deeds.

- (A) The applicant shall submit to the board the following:
- (1) Correctly completed application form, signed by the owner.
 - (2) Abutters list, with: correct abutters, dated within five days of submittal, signed by preparer, and additional list on adhesive mailing labels.
 - (3) Payment of fees for administration, per §2.06(A)(1), and public notice, per §2.06(B)(2).
 - (4) Ten (10) paper copies of plans complying with the requirements of §4.00 as listed on the Checklist for Application Completeness; Boundary Line Adjustment Application provided in §6.00.
 - (5) State subdivision approval for all boundary line adjustments involving lots less than 5 acres per NHDES “Subdivision and Individual Sewage Disposal System Design Rules.”
- (B) The board will use the Checklist for Application Completeness; Boundary Line Adjustment Application, provided in §6.00, to ensure completeness prior to accepting the application. The applicant shall use this checklist to ensure the submittal contains all needed information and materials.
- (C) Where the board believes that professional review assistance would be helpful, the board may request that a professional planner and/or engineer review the application. Their reviews will address both application completeness and compliance with applicable laws, regulations and ordinances. Additional reviews may be prepared in the case of applications which take more than one meeting. Applicants may pick up copies of the written reviews at the town Offices as soon as they are available to the board.
- (D) Board members should visit the site prior to the meeting to familiarize themselves with the site, although individual board members should not discuss the application with the applicant except at the board's meetings. The board may require a site visit prior to making its decision on the application.

2.04 MINOR SUBDIVISION. The application for a Minor Subdivision shall be made to the board, and shall follow the process specified in §2.06 through §2.20 of this regulation.

Approved plans shall be signed and recorded at the Rockingham County Registry of Deeds.

- (A) The applicant shall submit to the board the following:
- (1) Correctly completed application form, signed by the owner.
 - (2) Abutters list, with: correct abutters, dated within five days of submittal, signed by preparer, and additional list on adhesive mailing labels.
 - (3) Payment of fees for administration, per §2.06(A)(2), and public notice, per §2.06(B).
 - (4) Ten (10) paper copies of plans complying with all requirements of §4.00.
 - (5) Documentation that the following applications and correspondence have been submitted:
 - (a) letters to the appropriate town officials regarding town emergency services review, and connection to the municipal precinct water supply system if applicable.
 - (b) copies of applications for State permits including but not limited to subdivision, wetlands, septic, driveway, site specific, and underground storage tank.
 - (c) copies of applications for Federal permits, including but not limited to “NPDES General Permit for Stormwater Discharges from Construction Activities”
- (B) The board will use the Checklist for Application Completeness; Minor Subdivision Application, provided in §6.00, to ensure completeness prior to accepting the application. The applicant shall use this checklist to ensure the submittal contains all needed information and materials.
- (C) Where the board believes that professional review assistance would be helpful, the board may request that a professional planner and/or engineer review the application. Their reviews will address both application completeness and compliance with applicable laws, regulations and ordinances. Additional reviews may be prepared in the case of applications which take more than one meeting. Applicants may pick up copies of the written reviews at the Town Offices as soon as they are available to the board.

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- (D) Board members should visit the site prior to the meeting to familiarize themselves with the site, although individual board members should not discuss the application with the applicant except at the board's meetings or site visits where a quorum is present. The board may require a site visit prior to making its decision on the application.

2.05 MAJOR SUBDIVISION. The application for a Major Subdivision shall be made to the board, and shall follow the process specified in §2.06 through §2.20 of this regulation. Approved plans shall be signed and recorded at the Rockingham County Registry of Deeds.

- (A) The applicant shall submit to the board the following:
- (1) Correctly completed application form, signed by the owner.
 - (2) Abutters list, with: correct abutters, dated within five days of submittal, signed by preparer, and additional list on adhesive mailing labels.
 - (3) Payment of fees for administration, per §2.06(A)(2), and public notice, per §2.06(B).
 - (4) Copies of plans, as follows:
 - (a) One mylar plan, at a scale of 1:16,000, showing the original lot's boundaries and proposed road layout, and depicting the area surrounding area and roads enough that the mylar can be properly located on the 1:16,000 Town Base Map which is displayed on the wall of the meeting room at Town Hall. This is to be used to evaluate the road function and layout, per §2.16(A).
 - (b) Ten (10) paper copies of plans indicating existing property boundaries per §4.10(A), existing conditions per §4.10(B), municipal and zoning district boundaries per §4.10(C), and the elevation of the 100-year floodplain per §4.10(E).
 - (c) Three paper copies of sketched plans that show conceptual plans for the proposed conditions on the property, per §4.10(F). These plans shall be used by the board to evaluate the proposal with respect to its intermediate decisions on road function and layout, and scattered or

premature development.

(5) Documentation that the following applications and correspondence has been submitted:

(a) Letters to the appropriate town officials regarding town emergency services review, and connection to the municipal precinct water supply system if applicable.

(B) The board will use the Checklist for Application Completeness; Major Subdivision Application, provided in §6.00, to ensure completeness prior to accepting the application. The applicant shall use this checklist to ensure the submittal contains all needed information and materials.

(C) The board will generally have written reviews of the application prepared by a professional planner and/or a Professional Engineer. Where possible, these written reviews should be prepared and available prior to the meeting at which application acceptance will be considered. The reviews will address both application completeness and compliance with applicable laws, regulations and ordinances. Additional reviews may be prepared in the case of applications which take more than one meeting. Applicants may pick up copies of the written reviews at the Town Offices as soon as they are available to the board.

(D) Board members should visit the site prior to the meeting to familiarize themselves with the site, although individual board members should not discuss the application with the applicant except at the board's meetings or site visits where a quorum is present. The board may require a site visit prior to making its decision on the application.

2.06 FEES. All fees will be due before any application will be placed upon an agenda. Fees are subject to change based upon cost increases as deemed appropriate by the board. Fee amounts are assessed in accordance with the Schedule of Fees which is available at the Town Hall and from the planning board. The Schedule of Fees shall be adopted in accordance with the procedures required by state law for subdivision regulation adoption.

2.07 COMPLETE APPLICATION. For the board to have authority to approve an application, the applicant must provide a complete application per RSA 676:4,I(b). Specific lists of materials required to comprise a complete application submittal are listed, by type of application, in §2.03, §2.04, and §2.05. Staff shall make an initial judgment as to whether

the application appears sufficient to schedule a meeting with the board, but the final determination of completeness shall be made by the board. In accordance with RSA 676:4,I(c), the scheduling of the meeting shall occur within 30 days of receipt of all application materials.

2.08 SUBMITTAL OF APPLICATION MATERIALS. All materials to be submitted to the board for consideration shall be submitted prior to the meeting so that board members, the public, and staff may have sufficient opportunity to review the application without unnecessarily rushing the review and/or delaying the proceedings of the meeting. The following shall apply:

- (A) Application Acceptance. In accordance with RSA 676:4,I(b), all materials required to constitute a complete application shall be submitted to the board at least 15 days prior to the meeting at which it will be considered for application acceptance, except that this shall be increased to 21 days when it is determined that there may be a potential regional impact per §2.11.
- (B) Other Public Hearings. New materials shall be submitted to the board at least 10 days prior to a meeting when a new public notice is required.
- (C) Continued Meetings. When consideration of an application is continued and new information is required, the board should specify the deadline for filing this new information in the motion to continue. In no case shall it be less than one day prior to the meeting.

2.09 APPLICATION FOR OTHER PERMITS/APPROVALS.

- (A) The board shall not grant a final approval to an application until all other government permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior local approval. All applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining final approval of the application. For Major Subdivisions, it will be important for the applicant to delay the application for the State Subdivision approval until after the board has discussed the conceptual layout and function of the roads as required in §2.16(A).
- (B) Concurrent Application. Where the proposed development requires approval under both the Subdivision Regulations and the Site Plan Review Regulations, a concurrent application shall be required. The applicant shall provide all materials

required for complete applications for both regulations, except that the public notice fees shall not be paid twice.

2.10 PUBLIC NOTICE. Pursuant to RSA 676:4,I(d), public notice shall be required for all applications. The public notice shall identify the property owner, the location, and a general description of the proposal.

- (A) Public notice shall be required for the following:
 - (1) Design review meetings;
 - (2) Meetings at which an application is considered for acceptance; and
 - (3) Meetings at which a public hearing is conducted.
- (B) Public notice shall be mailed to the applicant, the applicant's authorized representative, and each abutter at least 10 days prior to the meeting for which the notice is required. Such notification shall be mailed by certified mail.
 - (1) Using the Abutters List form provided in §6.00 of this regulation, the applicant shall prepare a list of abutters using town records no sooner than 5 days prior to the submittal of the application; and
 - (2) The applicant shall provide an adhesive mailing label for each party on the abutters list, including the applicant and authorized representative.
- (C) Public notice shall be posted at the Town Offices at least 10 days prior to the meeting.
- (D) Public notice for Minor Subdivision and Major Subdivision applications, but not for Boundary Line Adjustment applications, shall be published in a newspaper of general circulation. This notice shall be sent to the newspaper at least 10 days prior to the meeting.
- (E) Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior meeting or hearing, the board shall state the location, date, and time at which the continued session shall resume per RSA 676:4,I(d). Deadlines should be set for the applicant's submittal of new or updated materials.

2.11 REGIONAL NOTICE. In accordance with RSA 36:54-58, applications which might have a regional impact shall require additional public notice, and State law requires additional time for public notice.

(A) Determination of potential regional impact shall be found only for major subdivision applications which meet RSA 36:55 or any of the following criteria:

- (1) Any portion of the property is located within 500 feet of the border of the Town of Northwood;
- (2) The proposal involves 25 or more residential lots or units;
- (3) The proposal involves property in proximity to aquifers or surface waters which transcend municipal boundaries.
- (4) Other as the board may reasonably determine.

(B) Notice shall be sent by certified mail 14 days in advance of the scheduled public hearing to the Strafford Regional Planning Commission (for potential impacts in Strafford, Barrington or Nottingham), the Southern NH Planning Commission (for potential impacts in Deerfield), or the Central NH Regional Planning commission (for potential impacts in Epsom or Pittsfield), and to each town or agency reasonably likely to be affected. Such governmental entities are considered abutters for purposes of offering testimony and computing public notice fees.

2.12 APPLICATION ACCEPTANCE. Before an application is reviewed by the board, it must be accepted by a formal vote of the board. The applicant shall attend this meeting to ensure that questions can be answered and issues clarified as necessary. Per RSA 676:4,I(b), the board shall vote to accept the application only if determines that the application is complete per §2.07. Upon acceptance, review of the application may proceed. If an application is not accepted, the board may proceed with Design Review discussions per §2.02. The Design Review meeting may be continued to another date and time for Application Acceptance without further public notice.

2.13 APPLICANT'S PRESENTATION. Following application acceptance, the applicant shall make a brief, general presentation to the board and audience. This presentation should include a brief description of the proposed project and a general description of the design, layout, and so forth. The applicant may list specific issues of concern which they would like the board to discuss during deliberations, but this forum is only intended to ensure general familiarity with the application. The applicant is solely responsible for bringing any

audio-visual materials or equipment needed. The shall have sole authority to limit the time taken for this presentation to keep the meeting moving, and applicants should plan on 10 minutes or less for most applications. For applications which are reviewed over a series of meetings, this presentation plus a status report on major issues may be appropriate at the beginning of each session.

2.14 PUBLIC HEARING. The board shall open a public hearing following application acceptance and the applicant's presentation. The purpose shall be to solicit public input, comments, questions and concerns. The board may temporarily suspend public comment during the public hearing so that the board may deliberate, vote of waivers, and so forth. The public hearing may be continued if additional meetings are necessary, provided that the board follows the continuation procedures specified in §2.10(E). Only when all pertinent, new public input is complete shall close the public hearing. The applicant shall be responsible for attending the public hearing, including all continuations, to ensure that questions can be answered and issues clarified as needed.

2.15 DELIBERATION. The board shall deliberate as necessary to determine the appropriate decision. The deliberation does not necessarily follow the public hearing, and may be interspersed with the public hearing, or may occur prior to the public hearing. This is the appropriate forum for the applicant and board to discuss specific issues. The board should keep in mind, however, the purpose of the public hearing, and therefore should generally defer decisions until after relevant public input is received.

2.16 INTERMEDIATE DECISIONS. Deliberations for each application will be unique, but there are several intermediate decisions which may be particularly applicable in certain cases:

(A) Major Subdivision Road Function and Layout. For Major Subdivision applications only, the board shall first review the general function and layout of the proposed or potential roads on the entire property. Final plans for Major Subdivisions should not be prepared until after this review has taken place.

(1) Among the most influential and long lasting determinants of community character and function are the establishment of the road network and property boundaries, and for this reason the general design of the subdivision should be reviewed and generally approved before further details are worked out. The importance of this step can not be under-stated. Roads can detract from the neighborhood, or they can enhance it. Traffic

circulation and safety can be enhanced or impaired in the neighborhood and in affected surrounding areas. New development can relate in a positive or negative manner to the existing developments nearby. The board and applicant need to settle the overall issues before tackling the details.

- (2) This decision shall be based on the board's initial opinion regarding the proposal with respect to the Road Design Objectives described in §3.02(A), including traffic function, road layout, scale and aesthetics. Of particular importance at this point of the review is an assessment of the general pattern of the road network, how well it fits into and connects with the adjacent road network, how the road design will affect its traffic functions, how the road design fits into the features of the site, and how the transportation functions will relate to the land use functions when the site is fully developed.
 - (3) If the applicant so chooses, this discussion and a tentative decision can occur during a Design Review meeting, per §2.02. The decision of the board must be confirmed following application acceptance since the Design Review is non-binding by State law. The advantage to using the Design Review process for this purpose would be to permit the applicant to receive feedback on the general road plan prior to investing time and money in the final design, hopefully resulting in monetary savings and quicker approval of the application. If the Design Review meeting is not used for this purpose, the board shall not review and approve a Major Subdivision application in one meeting. It shall proceed through this intermediate decision, and shall continue the discussion of the details to a later meeting prior to discussing any other details pertaining to roads or lots.
- (B) Scattered or Premature Development. The board may deny an application if it determines that the proposed development would be scattered or premature. If the board is considering denial of an application because on this ground, it shall first determine, by majority vote, that the application, if approved, would be scattered or premature by virtue of one or more the reasons listed in §1.02(A) and RSA 674:36,II(a). In making this determination, the board shall specify the exact nature of its concerns. Prior to denying an application on this basis, the board shall provide the applicant with not less than 30 days to determine whether or not there is any reasonable way to modify the proposal or to directly mitigate the adverse impacts in a manner such that the proposal would no longer be considered scattered or premature.

2.17 DECISION. Pursuant to RSA 676:4,I(c), the board shall issue a decision within 65 days of

application acceptance, subject to time extensions as per RSA 676:4,I(f). Applications which are not accepted require no decision. The board must approve, conditionally approve, or disapprove the application as follows:

- (A) Approval. The board shall grant approval to an application when it fully complies with the standards and processes of this regulation and other applicable law.
- (B) Conditional Approval. The board may grant conditional approval to an application when minor additional action by the applicant will bring the application into full compliance for approval.
 - (1) This may include payment of fees, minor changes in design, and other matters, subject to the requirements of RSA 676:4,I(i), as follows:
 - (a) Minor plan changes, whether or not imposed by the board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
 - (b) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board; or
 - (c) Conditions with regard to the applicant's possession of permits and approvals granted by other governmental units.
 - (2) Conditional approvals shall lapse automatically after 12 months. Failure to meet all conditions within 12 months shall cause the conditional approval to lapse, and the application shall be considered disapproved. The board may grant a single 12 month extension of this time limit provided that the application continues to comply with adopted town land use codes and posted changes at the time of granting of the extension.
- (C) Disapproval. The board shall disapprove an application when it fails to comply with the standards and/or procedures of this regulation, for failure to meet reasonable deadlines established by the board, or for failure to pay fees.
 - (1) If the board includes the phrase, "without prejudice" in the motion to disapprove, it signifies that the application was denied solely for procedural reasons, and that it may be re-submitted to the board at a later date without design changes as a new application, subject to whatever regulations are in effect at that future time.

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- (2) Applications disapproved without this stipulation shall not be considered again by the board unless there have been design changes or changes in regulations affecting the application.

2.18 NOTICE OF DECISION. As required by RSA 676:3, within 72 hours of the meeting the board shall issue a Notice of Decision which states the final decision reached by the board regarding the application. In the case of a conditional approval, the Notice of Decision shall state all conditions to be met for final approval. Upon fulfillment of the stated conditions, the board shall issue a supplemental Notice of Decision stating that all conditions have been satisfied, and shall sign and record the plat(s). Upon the lapsing of a conditional approval, the board shall issue a supplemental Notice of Decision stating that the conditions were not met within the required time. In the case of a disapproval, the Notice of Decision shall state the reasons for denial as required by RSA 676:4,I(h) and RSA 676:3,I.

2.19 APPEALS. Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal as follows:

- (A) Decisions by the planning board based solely upon interpretation of the Zoning Ordinance may be appealed to the Zoning board of Adjustment or Rockingham Superior Court per the provisions of RSA 676:5,III. Appeals to the ZBA must be filed within 20 days, and appeals made to Superior Court must be filed within 30 days.
- (B) All other decisions by the planning board may be appealed to Rockingham County Superior Court per the provisions of RSA 677:15. There is a 30 day time limit in which to make an appeal.

2.20 REVOCATION OF APPROVAL. The board may act to revoke an approval per the requirements of RSA 676:4-a.

SECTION 3.00: DESIGN STANDARDS

3.01

LOT SHAPE, SIZE AND CHARACTER.

These regulations are adopted to assure conformance with the requirements and intents and purposes of the Northwood Development Ordinance. These regulations affect lot shape and size within a proposed subdivision to the extent they create conditions specific to the subdivision that assure safe, convenient, and prosperous developments for the current owner and all subsequent residents, the provision of adequate access for safety vehicles, provide for clarity of ownership, and to prevent the occurrence of ordinance violations caused by poorly designed lot shapes.

Lots shall be shaped in a manner that promotes clarity of ownership, access fee-title land rather than easement interests which may promote destructive property disputes, and to promote the convenient and harmonious development of the land. The close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land are not permitted.

The close proximity of house sites tend to create conflicts among the use of the land, including maintenance disputes, use disputes, and property ownership disputes between landowners and is not permitted.

Oddly shaped lots cannot reasonably be interpreted to be an orderly layout of the land or ensure that proper description of ownership or ease of identification and access will carry forward in time and are not permitted.

The board shall consider the physical character of the land involved, including soils types, slopes, drainage characteristics, exposure to sunlight and wind, wildlife habitat, potential views, and other such characteristics, in determining what action to take with respect to the application.

- (A) An application to subdivide land of such character that it cannot, in the judgment of the board, be safely used for the proposed purposes because of danger to public health or safety shall not be approved.
- (B) Where the character of the land is not considered adequate, the board may require modification of the application to enhance the function and quality of the development, or to reduce adverse impacts resulting from the development.
- (C) Lots shall contain contiguous areas of developable land such that the driveway,

building, water supply and sewage disposal, and other improvements can be constructed without filling of wetlands or other such adverse impacts which could be eliminated by different subdivision design. The number of lots may be reduced by the board to reduce adverse impacts. The board shall have the authority to require design changes to minimize impacts regardless of the actions of other local or State permitting actions, such as the issuance of a permit to fill wetlands for a driveway crossing.

- (D) Site lot lines shall be generally at right angles or radial to street lines.
- (E) No portion of a lot created under these regulations shall be less than 100-ft in width.
- (F) To the maximum extent possible, all new lots shall be rectangular in nature.

3.02 ROADS. Beyond use of the past Subdivision Regulations for reference, this section represents a compilation of sources on this complex and important subject. Among the more interesting and insightful sources are: Residential Street Design and Traffic Control (by Homburger, Deakin, et al; Institute of Transportation Engineers. Prentice Hall, Englewood Cliffs, NJ. 1989) and "Neo-Traditional Neighborhood Design and Its Implications for Traffic Engineers," (by Eva Lerner-Lam, Stephen P Celniker, Gary W. Halbert, Chester "Rick" Chellman, and Sherry Ryan, Compendium of Technical Papers, 61st Annual Meeting of the Institute of Transportation Engineers, 1991). Some of the text of this section is quoted from these sources, but there has been no attempt to provide specific quotations. The understanding of these authors is greatly appreciated by the Town of Northwood.

- (A) Objectives. Before road design can be addressed, the town's objectives must be laid out as clearly as possible so that the design professionals can understand what is expected of them, and to develop a better understanding of the multiple demands placed on roads. First and foremost, roads must be recognized as complex public spaces in accommodate and impact traffic, parking, pedestrians, bicyclists, aesthetics, neighborhood character, and perceptions of the community, among other things. Road objectives are further categorized and specified as follows:
 - (1) Traffic Function. Roads must accommodate: safe access to properties; convenient and efficient pickup and delivery people, parcels, fuel, and other goods; emergency vehicle access; maintenance services; and other such uses. The overall town and regional road system needs to provide for sufficient number and layout of collectors and arterials to handle through traffic flow as one means of protecting local residential streets from through

traffic. Further, local residential streets shall be linked to traffic carrying streets in a way that simultaneously provides good access to other parts of the community and region while minimizing the chances of residential streets' use by through traffic. Further, residential streets should be protected from vehicles moving at excessive speeds, typically greater than 25 to 30 MPH. The design engineer is challenged to balance this last provision against RSA 265:60,II(c) which dictates a 35 MPH speed limit on Class V highways. Proper access management is essential in protecting the traffic capacity of arterial roads.

- (2) Road Layout. There should be alternative routes to most, if not all destinations. The layout of proposed roads shall provide for the continuation of the principal streets in adjoining areas, if applicable. The number of permanent cul-de-sacs shall be minimized. Suitable connections and reservation for future connections to adjacent areas shall be provided. Layout geometry shall be designed to take advantage of the topography and proposed future development patterns, creating vista terminations and improving the view of and the view from buildings and other prominent vistas. Layout shall also be carefully designed to avoid creation of a situation where the local road is used for through traffic flow.
- (3) Scale. The scaling of the facility must facilitate the appropriate level of sharing of road use among cars, walkers, bicycles, emergency vehicles and others. The final product shall permit comfortable and safe pedestrian and bicycle movements as well as motorized vehicular movements, and shall protect vulnerable users such as children, the disabled, and the elderly.
- (4) Aesthetics. Road design should enhance the overall aesthetics of the neighborhood through well designed street layout and landscaping. Additionally, civic areas in the form of commons or public squares, community buildings, churches and other gathering places should be used as focal points and vista terminations. Aesthetics must be achieved through the thoughtful integration of all aspects of design, and can not simply be "added on" to a design.
- (5) Quality Construction. Regardless of the outcome of the more policy-oriented layout and function issues of the road system, the construction of roads shall be of high quality. Roads shall be constructed to standards suitable for the climate, the environment in which they are built, and for the proposed use. The resulting road should require a minimal amount of maintenance for quite many years.

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- (B) Design Standards. It is the intent of these regulations to provide design parameters to guide overall design, but that it is the responsibility of the engineer designing the road to apply her or his professional expertise in creating the design. Additionally, the town shall have another engineer review the design for compliance with the purposes and controls of this regulation, as well as with accepted engineering practices. It should be noted that the board expects to create only local roads, and that more restrictive standards for design and construction may be required otherwise.
- (1) Design speed of local roads shall be 30 MPH. This may be altered where necessary to comply with RSA 265:60,II(c), except that 30 MPH shall be the maximum design speed if the speed limit can be reduced to 30 MPH or less per RSA 265:62.
 - (2) The grade of a road shall not be less than 1% nor greater than 8%, and all roads shall have a minimum road crown of 1/4" per 1'.
 - (3) The minimum width of pavement for each paved travel lane shall be 11', resulting in a minimum two-way road width of 22'. Additionally, there shall be a minimum of 4' wide gravel shoulders on each side of the road.
 - (4) The centerline of a cul-de-sac shall be aligned with the centerline of the street. Temporary cul-de-sacs shall be provided, with easements for their construction and use as appropriate, in locations where future connections are planned for but cannot be provided at the time of development. Where connections can be made at the time of development, they shall be made.
 - (5) Roadway intersections shall be configured such that new roads are directly across from existing intersections (if applicable) and/or are at least 100-ft from street intersections and major driveway entrances.
 - (6) No point along a road shall be more than 1,000' from a single point of access. This is similar to a maximum cul-de-sac length requirement. Consistent with §3.02(A)(2), the intent is to prevent an undue number of properties from being dependent on a single access (which could be blocked off by an accident, fallen tree or other obstruction), and to ensure good flow of traffic around a neighborhood. Providing for the flow of traffic should not encourage through-traffic, but should provide for smooth flow of

delivery and service vehicles (the UPS truck, home heating oil truck, school bus, snow plow, and so forth).

- (7) The maximum grade of a road approaching an intersection shall be 3% within 50' of the intersection.
- (8) Roads shall intersect at 90 degrees, plus or minus 15 degrees.
- (9) The application shall demonstrate compliance with the Objectives listed in §3.02(A).
- (10) Other safety provisions may be required if appropriate, including but not limited to curbing and guard rails.

(C) Property Issues.

- (1) The minimum width of any road right-of-way shall be 50'. A larger width may be required where conditions warrant. Additionally, flairs or radii may be required at intersections where such areas would be beneficial.
- (2) Reserve strips which restrict access to the right-of-way from adjacent lots or streets shall be prohibited.
- (3) Easements for cut & fill slopes, drainage, water lines, sewer lines and other such improvements shall be provided as appropriate.
- (4) The application shall specify ownership and responsibility for maintenance of the right-of-way and all improvements therein. Subdivision approval in no way implies town acceptance of any road or right-of-way, and in no way obligates the town in any future consideration of such acceptance.

(D) Construction.

- (1) Only that portion of the right-of-way shall be cleared and grubbed as is necessary to meet safety requirements. Where possible, preservation of existing vegetation, ground cover and especially trees is highly desirable. The extent of clearing shall be noted on the plans. Excavation of roadbeds shall consist of removing earth or ledge to a depth of at least 2' below the finished roadbed grade shown on the final profile. Filled roadbeds shall be formed by spreading successive layers of fill material not greater than 6" in depth. Each layer shall be compacted to a density of at least 95% of

maximum density before another layer is begun. Material containing loam, forest litter, wood, roots, or other substances that will not provide a stable bed or embankment shall not be used. Broken ledge may be used in layers in fills over 4' in thickness. The voids in each layer shall be filled with earth or spalls. Broken ledge or boulders larger than 1/2 cubic yard shall not be placed within 2' of the finished grade.

- (2) Types of materials and methods of construction shall be in accordance with the latest version of "Standard Specifications for Road and Bridge Construction," New Hampshire Department of Transportation, Section 304, hereby incorporated into this regulation by reference.
 - (a) Minimum base course depth shall be not less than 12" of gravel, topped with 6" of crushed gravel. Additional base material may be required depending on the nature of the land as designated by the planning board or its authorized agents.
 - (b) Two courses of pavement shall be required:
 - [1] Base course of not less than 2" thickness. The base course pavement shall go through one winter freeze-thaw cycle prior to adding the wear course so that problems can be identified and corrected properly.
 - [2] Wear course of not less than 1" thickness.
- (3) Stumps and other debris shall not be disposed of in the right-of-way.
- (4) Bridges with a span of 10' or more shall be designed to HS-20 loading specifications (AASHTO Specifications, hereby incorporated into these regulations by reference).
- (5) Side slopes cut in soil above the finished roadway shall not exceed a ratio of 3' horizontal to 1' vertical, and shall be graded, covered with 4" (compacted depth) of topsoil, and suitably seeded. Side slopes in ledge above the finished roadway shall not exceed a ratio of 1' horizontal to 2' vertical. Embankment slopes away from the edge of the finished roadway shall not be constructed at a ratio steeper than 4' horizontal to 1' vertical unless the horizontal length exceeds 10', in which case a ration of 3' horizontal to 1' vertical may be used.

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- (6) Because of the nature of the design and construction of roads, certain design modifications are made in the field on virtually every construction project. The board acknowledges that such changes will be necessary from time to time, and authorizes the inspecting engineer representing the town to exercise their professional judgment in making such changes, and asks that the engineer remember the purposes of this regulation and this section in making their judgment.
- (E) Traffic Impact Analysis.
- (1) A traffic impact analysis shall be required in the following circumstances:
- (a) The subdivision involves the creation of 12 or more residential lots or residential units;
- (b) The subdivision is intended to facilitate non-residential land uses which requires 50 or more parking spaces; or
- (c) Other as deemed necessary by the board.
- (2) The traffic impact analysis shall be prepared by a NH licensed Professional Engineer. This analysis shall be prepared to meet, at a minimum, the "Guidelines for Traffic Impact Analysis" (by the Strafford Regional Planning Commission, dated July 1986: copy available for viewing at Town Hall).
- (F) Other.
- (1) Grade Stakes. The applicant shall be responsible for placing grade stakes at 50' intervals adjacent to the road course where there are abrupt changes in grade and at 100-foot intervals where a more level contour is present. Each stake shall be securely placed where it will not be disturbed by construction. Each stake will indicate a station number, its offset from the centerline of the road, and the extent of cut or fill to the finished centerline grade. Grade stakes shall be preserved until the completion of the road. If grade stakes are removed or damaged to the extent that they cannot be read, it shall be the responsibility of the applicant to replace them.
- (2) Road Names. Proposed road names shall not duplicate any existing road name in Northwood, and shall be approved in advance by the board of selectmen. Each road name shall be adequately identified with a road name

sign at each intersection. Upon completion of the road, the applicant shall notify the Town Clerk, who shall then notify the Commissioner of the NH Department of Transportation of the new road, as required per RSA 231:133,III.

- (3) All roads shall have such traffic control signs as are necessary to provide for safety and efficiency. It shall be the applicant's responsibility to provide and install all required signs.
- (4) Clean-up. Before release of any financial security, a road shall be cleaned up, by whatever means necessary, so that it is left in a neat and presentable condition. Construction-related debris of all kinds, both natural and man-made, shall be completely removed from the right-of-way.
- (5) Road Maintenance and Acceptance. Acceptance of any road by the town is the sole responsibility of the board of selectmen and Town Meeting, and approval of a subdivision plan by the planning board shall not imply acceptance of the road by the town. While a private road, the applicant shall make adequate provisions for the on-going maintenance of the road.
- (6) Subdivision along a Class VI road, or any private road, shall not be approved unless the applicant upgrades such road to meet the design standards of this regulation and the town's ordinances. The provisions of RSA 674:41 may be applicable. Sampling and testing of soils in such existing roads, to show conformance with the town's standards shall be conducted by licensed professional engineer. Test pits shall be dug every 200-ft and two (2) samples from each pit (top and bottom) shall be tested for compliance with the latest version of "Standard Specifications for Road and Bridge Construction" by NHDOT. The Class VI road or private road shall meet the "Suggested Minimum Design Standards for Rural Subdivision Streets as published by NHDOT. A copy of these standards is included in §7.00

3.03 DRIVEWAYS AND ACCESS POINTS

- (A) Access to state and local roads
 - (1) A permit is required from the New Hampshire Department of Transportation for any private driveway entering the right-of-way of a Class I, II, or III highway.

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- (2) A permit is required from the road agent or selectmen's designee for any private driveway entering the right-of-way of a town road.
 - (3) Driveways shall be located at least 100-ft from street intersections and major driveway entrances.
 - (4) Unless required otherwise, driveways shall be located no closer than 20-ft to side lot lines.
 - (5) For subdivisions fronting on arterial roads, the number of driveway accesses onto the arterial road shall be minimized:
 - (a) Access onto internal roads rather than the arterial road shall be required to the extent possible; and
 - (b) Shared driveways may be required for adjoining lots which must access directly onto the arterial road.

(B) Shared Driveways

- (1) Shared driveways may be utilized, however, no more than 2 principal residences may share a common drive. To the maximum extent possible, the shared portion of the drive shall follow the shared lot line.
- (2) The applicant shall provide language that releases the town from any liability for failure to access any site served by a common driveway with safety vehicles and equipment due to substandard construction, lack of maintenance, negligence on the part of any landowner served by the common driveway and failure to maintain all season passability. Such language shall be placed on the recorded mylar.
- (3) The applicant shall provide language that assigns responsibility of driveway maintenance to one or both property owners on the recorded mylar.
- (4) The driveway easement showing distances, bearings, width and rights of access shall be shown on the recorded mylar.

(C) Sight Distance

- (1) Driveway entrances onto town roads with speed limits of 30 mph or less shall have an all season safe sight distance of 250-ft in each direction.

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- (2) Driveway entrances onto town roads with speed limits greater than 30 mph shall have an all season safe sight distance of 300-ft in each direction.
 - (3) The applicant shall show a proposed location for a driveway for each lot and provide the sight distance in each direction for each lot.

3.04 DRAINAGE. All roads shall be provided with adequate provisions for storm water drainage to removal storm water and prevent flooding of the road and erosion of adjacent surfaces.

- (A) The subdivision shall be designed with provisions for retention and gradual release of storm water. All additional storm water and runoff which results from the proposed development shall be retained on-site and shall not drain onto adjacent roads, nor onto adjacent properties or into waterways in an amount which exceeds pre-development levels unless appropriate drainage easements are obtained.
- (B) Drainage plans and a written report, prepared and certified by a licensed NH Professional Engineer, shall be submitted with the application. Design and construction of drainage facilities shall be in accordance with the latest version of “Standard Specifications for Road and Bridge Construction”, New Hampshire Department of Transportation, Sections 603, 604 and 605, hereby incorporated into this regulation by reference.
- (C) Drainage facilities shall be designed to accommodate a 25 year storm event. A culvert or other such component shall be large enough to accommodate potential runoff from its entire upstream drainage area. On-site retention or detention facilities may be required to prevent overloading of existing downstream facilities, or improvement to the downstream facilities may be required. No standing water shall be permitted in ditches, culverts or catch basins. No water from adjacent lots shall be permitted to run across road surfaces.
- (D) Details for all drainage facilities including, but not limited to culverts, headwalls, swales/ditches, catch basins, manholes, storm drains, and underdrains shall be provided in the plan set. In addition, details for wetlands crossings including a detailed site plan at a scale no smaller than 1”=20’ shall be provided in the plan set.

3.05 PEDESTRIAN AND BICYCLE AMENITIES. Adequate provisions shall be made to accommodate pedestrians and bicyclists. Sidewalks shall be provided from side lot line to

side lot lone, along street frontage. Sidewalks shall be at least five (5) feet wide, six (6) inches above grade, and shall be protected by curbing. Sidewalk designs shall include means for handicapped access.

3.06 SURVEY MONUMENTATION. Proper and complete survey monumentation shall be installed on the properties involved prior to final approval of the application.

- (A) Granite bounds shall be set at all points of curvature (P.C.) or Points of Tangency (P.T.) on all new and or existing right of way of existing and/or proposed streets. The size of such bounds shall be 4" by 4" by 30", with a 3/8" drill hole in the center. The surveyor shall excavate a hole sufficiently large enough to properly place the bounds securely in the ground.
- (B) Iron pins (pipe or rod) or Drill Hole shall be set at the intersection of lot side lines with the R.O.W. of existing and or proposed streets as well as property corners and angle points. Standard surveyor's offset practices are allowable. The size of pins shall be 1/2" diameter by 30" long, and shall be driven into the ground at accurate locations, leaving 2" exposed. All newly installed pins shall include a surveyor's "cap" to help identify their location in the field.
- (C) Certificate of Monument Installation. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan, using the form entitled "Certification of Monument Installation." This form must be completed and submitted to the board prior to receipt of final approval of the application. A copy of this form is contained in §6.00.

3.07 WATER SUPPLY. All developments shall make adequate provision for a water supply of potable water for domestic consumption. All water supply systems and facilities shall be designed and stamped by a registered engineer licensed in the state of New Hampshire. Water supply for fire safety is addressed separately in §3.11(B).

- (A) Municipal Precinct Water Supply. Connection to the municipal precinct water supply system shall be required at the precinct's direction.
 - (1) The system shall be designed and constructed in accordance with standards, specifications and conditions of the precinct.
 - (2) Water mains shall be located in the street right-of-way where possible. In locations where the main is located outside the right-of-way, perpetual

unobstructed easements for future maintenance, repair and upgrade of the system shall be provided across all properties. Such easements shall be 25' or more in width, and shall have satisfactory access to the road.

- (B) Non-Municipal Water Supply. In areas outside of the municipal water supply service area, provisions shall be made for on-site water supply or connection to a community water supply system. The well location and its protective radius, if required by the State, shall be indicated on the plat. The entire well radius shall be located within the property boundaries of the lot which the well serves, unless an easement is provided.
- (1) The location of individual private wells shall comply with all standards of the New Hampshire Water Supply and Engineering Bureau, or applicable New Hampshire regulatory agency.
 - (2) A water system having fifteen (15) or more connections or serving more than 25 people over a 60 day period shall conform with and meet all standards set for community water services as established by the New Hampshire Water Supply and Engineering Bureau, or applicable New Hampshire regulatory agency. All fees including, but not limited to testing, studies, short-term and long-term monitoring, evaluation of results, and treatment of water shall be the responsibility of the owner(s).
 - (3) Upon determination by the planning board, a private water system, having three or more service connections may be required to meet some or all of the standards set for community water services as established by the New Hampshire Water Supply and Engineering Bureau. All fees including, but not limited to testing, studies, short-term and long-term monitoring, evaluation of results, and treatment of water shall be the responsibility of the owner(s).
 - (4) A hydrogeologic study shall be required for any well or development with a withdrawal of over 10,000 gallons of water per day. The study shall provide at a minimum the following:
 - (a) A hydrologic mapping of local groundwater flow, aquifer characteristics, including but not limited to elevation, transmissivity and boundaries.
 - (b) Existing background water quality.
 - (c) The location of abutter water supply wells and septic systems.
 - (d) The location and capacity of proposed septic systems.

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- (e) Estimates of the transport of contaminants from any septic systems or industrial sources at the property boundary and at the abutter's water supplies.
 - (f) The hydrologic studies shall be performed by qualified hydrologists, hydrogeologists or professional geologists licensed in the state of New Hampshire. All water testing is to be performed at EPA approved laboratories.

(C) All municipal precinct and community water supply systems and facilities shall be designed by a NH licensed Professional Engineer.

3.08 SEWAGE DISPOSAL. All subdivisions shall demonstrate and provide adequate area for sanitary on-site sewage disposal. The sewage disposal location and its protective radius, if required by the State, shall be indicated on the plat. The facilities shall be designed and stamped by a registered engineer licensed in the State of New Hampshire or a septic system designer as allowed by NHDES. Sanitary sewage disposal shall be accomplished through the provision of individual waste disposal systems or a private central sewerage system.

- (A) Design Standards - Sanitary waste disposal may be accomplished by either of the following methods:
 - (a) Individual disposal systems, the design and location of which shall be approved by the state of New Hampshire Water Supply and Engineering Bureau, or applicable regulatory agency. The system shall be located on private property, no closer than seventy-five (75) horizontal feet to a watercourse, a waterbody, a wetland, or a well that is being used as a source of individual water supply.
 - (b) A private central sewerage system, the design and location of which shall be approved by the State of New Hampshire Water Supply and Pollution Control Division. Maintenance and operating costs of the system shall be borne by the applicant.
 - (c) A hydrogeologic study shall be required for any sewerage system, or combination of systems, existing or planned, on one parcel that is/are designed to accommodate 2,500 gallons per day or more. The study shall provide at a minimum the following:
 - (a) A hydrologic mapping of local groundwater flow, aquifer characteristics, including but not limited to elevation, transmissivity and boundaries.
 - (ii) Existing background water quality.

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- (iii) The location of abutter water supply wells and septic systems.
 - (iv) The location and capacity of proposed septic systems.
 - (v) Estimates of the transport of contaminants from any septic systems or industrial sources at the property boundary and at the abutter's water supplies.
 - (vi) The hydrologic studies shall be performed by qualified hydrologists, hydrogeologists or professional geologists licensed in the State of New Hampshire. All water testing is to be performed at EPA approved laboratories.

3.09 UTILITIES. Utilities shall generally be located within the road right-of-way, and underground throughout the development.

- (A) Where utility transmission lines are not located within the road right-of-way, perpetual unobstructed easements for future maintenance, repair and upgrade of the system shall be provided across all properties. Such easements shall be 15' or more in width, and shall have satisfactory access to the road.
- (B) Easements for proposed or future utility connections to adjacent properties may be required by the board.
- (C) Street lights shall be required at every street intersection. Additional mid-block lighting may be required as appropriate.

3.10 LANDSCAPING. Landscaping requirements for subdivision approval are limited to establishment or re-establishment of suitable vegetative ground cover to ensure site stability, and to provide street trees where needed.

- (A) **Vegetative Ground Cover.** No disturbed area shall be left permanently exposed and unprotected. Sufficient topsoil and suitable grasses or other vegetation shall be established as quickly as possible to stabilize the site and prevent excessive erosion. Suitable erosion and sediment controls shall be constructed and maintained in working order until the vegetative ground cover is suitably established.
- (B) **Street Trees.** Where a road is proposed through an open field, or where the existing vegetation will be removed or is of a character such that the road will get no shade in the summer, street trees shall be planted at regular intervals not to exceed 50-ft, along both sides of the right-of-way where appropriate. Such trees shall have a caliper of at least 3" at a point six inches above the top of the root ball, and shall be

of a suitable hardwood species to ensure that the road is not shaded in the winter (resulting in icing problems). If the road agent so requests, the board may require thinning or removal of coniferous trees along a proposed road where there is a potential for icing problems due to shading from such trees in the winter. The board will need to balance this with the desire to maintain site aesthetics.

3.11 EMERGENCY SERVICES. There shall be adequate provisions for emergency service access to all lots. There may be some trade-offs required when balancing the desire to maintain the scale of a neighborhood versus the desire to provide access sufficient for emergency vehicles.

- (A) All applicants shall provide a copy of the subdivision plan to the Police Department and Fire Department for their reviews and comments. While their input will weigh heavily, the board reserves the final authority to make design decisions.
- (B) Water for Firefighting. At a minimum, there shall be a source of water for firefighting within 1 mile, along a Class V or better road, of each lot or building site proposed. Sources shall be one of the following:
 - (1) A fire hydrant connected to the municipal precinct water supply system;
 - (2) A fire hydrant connected to a community water system which has sufficient storage volume and flow;
 - (3) A dry hydrant connected to an underground storage tank with a sufficient water supply and capacity;
 - (4) A dry hydrant in a fire pond or other standing water body with sufficient volume; or
 - (5) Other as determined acceptable to the Fire Chief.

3.12 RECREATIONAL AMENITIES.

- (A) Neighborhood Parks. Recreation lands in close proximity to residences are an important amenity in neighborhoods. In general, small areas of land reserved for open space and passive recreation, or developed for other forms of active recreation shall be required as follows:

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- (1) Boundary Line Adjustments shall not be required to provide amenities.
 - (2) Major Subdivisions on lots which have the potential for 25 or more residential lots or units shall provide neighborhood parks as follows:
 - (a) At a minimum, one park shall be provided. For subdivisions which have the potential for 35 or more residential lots or units, two parks shall be provided, etc.
 - (b) The area of all park lots shall include at least two acres of contiguous developable land.
 - (c) Where possible, the design and intended use of the neighborhood parks should be consistent with the layout of roads, as is discussed in §3.02(A)(4).
 - (d) The applicant shall place a permanent deed restriction on each recreation lot, deeming it a non-buildable lot. Further, the deed restriction shall specify permitted types of recreation development are permitted. The deed restriction shall be shown on the plat, and shall be filed at the Rockingham County Registry of Deeds.
 - (e) Ownership.
 - [1] The parks, if owned and maintained privately, may have restricted access. Further, provisions shall be made to ensure sufficient funding for ongoing maintenance of the park and its facilities.
 - [2] If such areas are offered to and are accepted by the Town, they shall be open to the general public, and there shall be sufficient nearby on-street parking.
 - (f) If acceptable to the board, public access to any Great Pond may be substituted for all of the required parks.
- (B) Public Access. It is in the public interest to establish and maintain public accesses to Great Ponds. Such access may include provisions for direct water access, or may be for other uses which are enhanced by close proximity to the waters such as walking paths, picnic areas, and scenic overlooks. Where such amenities can be

incorporated into the application, it would be appreciated by the board and the town. To qualify, public accesses must be permanently available to the general public.

3.13 MITIGATION OF IMPACTS. Where, in the opinion of the board, the off-site impacts of a proposed development would adversely affect the public health, safety, convenience, prosperity or general welfare of the town, the board may require off-site improvements to mitigate the adverse impacts.

SECTION 4.00: PLAT STANDARDS

4.01 SIZE. Plat sheet shall measure and meet the standard criteria required by Rockingham Registry of Deeds such as 11" x 17", 22" x 34", 24" x 36".

4.02 MATERIAL AND NUMBER OF COPIES. The applicant shall provide three or more paper copies of each plat sheet. Copies of plat sheets to be recorded shall be printed on mylar, or other material as specified by the Rockingham County Registry of Deeds.

4.03 BASIC INFORMATION. All plat sheets shall contain the following:

(A) Title Block. The title block shall indicate the:

- (1) title of the sheet;
- (2) owner's name;
- (3) applicant's name, if other than owner;
- (4) tax map and parcel number; and
- (5) name and address of the person or company which prepared the sheet.

(B) Scale. The scale of the plan shall be given in text and graphic form.

(C) North Arrow.

(D) Dates. Each sheet shall indicate the date of original preparation, and the date and nature of each revision.

4.04 BOUNDARY SURVEY PLANS. The plat sheet(s) which provides the required boundary or other survey information shall be stamped and signed by a N.H. Licensed Land Surveyor.

4.05 ENGINEERING PLANS. The plat sheet(s) which provides any required engineering information shall be stamped and signed by a N.H. licensed Professional Engineer. This shall include all road designs, drainage plans, and community or municipal water systems.

4.06 APPROVAL SHEET(S). In addition to those items required per §4.03 and §4.04, the plat sheet(s) on which the planning board will indicate approval shall have:

- (A) Signature block reserved for the board's written endorsement with a signature line and date space; to be located near the lower right side of the plat, whenever possible;
- (B) A note indicating the title and most recent date of revision for all supplemental plat sheets;
- (C) A locus map showing the location of the property within the municipality; and
- (D) Notes providing the following information:
 - (1) Indication of all existing or proposed easements, covenants and deed restrictions.
 - (2) Indication of the zoning district, including applicable overlay districts, if such districts exist.
 - (3) Area of each lot.
 - (4) Length of road frontage for each lot.
 - (5) List of waivers and substitutions granted by the board.

4.07 MULTIPLE SHEETS. Where the size of the property and the scale of the plat require multiple sheets, match lines shall be provided.

4.08 SCALE. The plat scale shall be prepared to a scale of not less than 1" equals 100' or at a greater detail as directed by the board to indicate clearly an existing or proposed feature of the site.

4.09 AREA OF COVERAGE. Plans submitted for approval under this Regulation shall depict the entire area and boundary of each lot, except as follows:

- (A) Boundary Line Adjustment. Each lot of 5 acres or less in area shall be shown in its entirety. For lots larger than 5 acres, the plan shall depict a portion of the lot, at least 5 acres in size, which includes the area from the boundary line adjustment to the nearest road frontage.

4.10 SITE INFORMATION. The set of plans submitted shall provide the following information about the site:

- (A) Boundary survey of the existing property boundaries, indicating:
 - (1) Distances, deflection angles, radii, arc lengths, control angles, monument locations, and other necessary survey data;
 - (2) The names of all abutters, including map and parcel numbers; and
 - (3) Roads, right-of-ways, intersections and driveways within 50' of the lot;
 - (4) Location and nature of easements, deed restrictions and covenants; and
 - (5) References to deeds, earlier surveys, and other pertinent information as determined by the LLS.

- (B) Existing conditions on the property, showing:
 - (1) Elevation contours:
 - (a) For Boundary Line Adjustments, this shall not be required.
 - (b) For Minor Subdivisions and Major Subdivisions, contours at 2' intervals shall be required, except that lots which will remain 10 acres or more shall have 5' contour intervals, unless otherwise required by the planning board.
 - (2) Soil types and boundaries per the Rockingham County Soil Survey shall be indicated. Poorly and very poorly drained soils shall be clearly labeled as such. In locations where the boundary of such soils is important in evaluating the proposed design of the subdivision, the board may require the applicant to provide a high intensity soil survey, conducted by a qualified soil scientist.
 - (3) Existing buildings, wells, septic systems, water lines, sewer lines, drainage facilities, utilities and other such improvements, in plan view, with description of uses and sizes, if applicable.
 - (4) Approximate location of buildings, wells and septic systems, in plan view, within 100' of the site.

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- (5) Surface waters, stone walls, and other significant natural and man-made resources.
 - (6) Overlay district boundaries including wetlands, conservation area, agricultural soils, wellhead protection and steep slope, as well as groundwater aquifers that are located anywhere on property being subdivided.
- (C) Municipal, municipal precinct, and zoning district boundaries, if any.
 - (D) Setback lines.
 - (E) Elevation of 100-Year floodplain.
 - (F) Proposed conditions on the property, showing:
 - (1) Boundary survey of the existing and proposed property boundaries, showing all information provided for §4.10(A), plus distances, deflection angles, radii, arc lengths, control angles, monument locations, and other necessary survey data for proposed property boundaries.
 - (2) Proposed contours at 2' intervals in areas where changes are proposed.
 - (3) Buildings in plan view, with description of uses and sizes, if applicable.
 - (4) Proposed use(s), if other than single family residential.
 - (5) Plans for transportation, providing all information required to assess compliance with §3.02 (Roads), §3.03 (Driveways and Access Points), and §3.05 (Pedestrian and Bicycle Amenities). For road plans, cross sections at 100' stations and a centerline profile shall be provided, in addition to roadway details including, but not limited to guardrails, signs and curbs.
 - (6) Plans for drainage, providing all information required to assess compliance with §3.04 (Drainage) in addition to drainage details including, but not limited to culverts, catch basins, headwalls, underdrain, storm drain, manholes.
 - (7) Plans for water supply, sewage disposal, utilities, and firefighting water supply, providing all information required to assess compliance with §3.07

(Water Supply), §3.08 (Sewage Disposal), §3.09 (Utilities), and §3.11(B) (Water for Firefighting).

- (8) Plans for landscaping, providing all information required to assess compliance with §3.10 (Landscaping).
 - (9) Plans for recreational amenities, providing all information required to assess compliance with §3.12 (Recreational Amenities).
 - (10) Each lot shall be numbered according to the town's tax map numbering system.
 - (11) Location and results of a test pit and percolation test on each lot.
 - (12) Proposed easements, (driveways, utilities, etc.) should be shown in their entirety on the plan.
- (G) Subdivisions with an open space design shall include a plan showing that the subdivision meets the requirements of 6.05(A)(4) of the Northwood Development Ordinance which states that the number of lots in an open space development shall not exceed the number of lots allowed under current subdivision regulations. A plan showing an alternative road and lot layout that meets the regulations of an “ordinary” subdivision, including but not limited to steep slopes, contiguous uplands areas, lot area, road length and frontage.

SECTION 5.00: ADMINISTRATION

5.01 WAIVERS OR SUBSTITUTIONS. The board may waive a portion of this Regulation, or permit substitution of an alternative standard for one in this Regulation as specified in this Section.

- (A) **Waivers.** The board may grant a waiver of any Design Standard (§3.00) or Plat Standard (§4.00) of this Regulation in accordance with the following:
- (1) The applicant shall provide a written request for waiver. The request shall specify the section for which the waiver is requested, the extent of the waiver, and the justification. Where multiple waivers are being requested, a separate request shall be provided for each.
 - (2) In evaluating the request, the board shall not grant the waiver unless it finds that:
 - (a) Granting of the waiver shall not be detrimental to the public health, safety or general welfare;
 - (b) Granting of the waiver shall not, in the opinion of the board, be injurious to other parties;
 - (c) Granting of the waiver shall not have the effect of nullifying the intent and purpose of this regulation; and
 - (d) Granting of the waiver will improve, in the opinion of the board, the design of the project.
 - (3) The board may condition any waiver granted so as to secure the objectives of this regulation.
- (B) **Substitutions.** In the event that an alternative Design Standard (§3.00) is provided, the board may permit substitution for the town design standard. Such substitution shall be permitted at the board's option only when, in the board's opinion, the alternative standard is independently and scientifically derived, is generally accepted by the planning community, and would better accomplish the intent of this regulation for this case. The request for a substitution shall be made in writing, and a complete copy of the alternative design standard shall be provided to the town for its records (ie: provide a copy of applicable books, articles, etc). Substitution shall require a formal motion of the board, and the minutes of the meeting should indicate the board's reasoning for future reference. No waiver is required for design standard substitutions.

5.02 TECHNICAL/LEGAL ASSISTANCE. In the event that the board requires technical assistance and/or special studies to adequately and properly evaluate an application or perform subsequent inspections, it may secure such professional assistance. This may include technical assistance, special studies, legal review of aspects of the application which are unique or specific to this case (but excluding general legal advice), and other such assistance. The applicant shall reimburse the town for the cost of such assistance, but the individual or company engaged shall work for, and report directly to the town. For Major Subdivisions, applicants should expect to reimburse the town for planning and engineering reviews, and for engineering inspections during and following construction.

5.03 RECORDING APPROVED PLANS. Upon stamping and signing an approved final plan, the town shall mail or deliver the plan to the Rockingham County Registry of Deeds to ensure that there is no tampering with the plans prior to recording, and to ensure that there is no delay in recording the plan such that the delay would extend the protection period under RSA 674:39.

5.04 FINANCIAL SECURITIES. The applicant shall be required to provide financial securities for site improvements in accordance with the following:

- (A) Use. Suitable financial securities shall be provided to ensure that the applicant will complete all site work in accordance with the plans. The securities, if called by the town, may be used to stabilize the site, ensure site safety, minimize any adverse impacts on the neighborhood and town, complete the work, perform construction inspections, and prepare the as-built plans. In the event that the security is called by the town, the planning board may schedule and hold a public hearing to consider revocation of the Subdivision Approval per the process of RSA 676:4-a. The board may request that all municipal permits be suspended until the matter is resolved.
- (B) Amount. The amount shall be 100% of the cost of all site work, excluding site work covered by other financial securities held by other governmental entities (such as for State driveway permits). The specific dollar amount shall be negotiated with the road agent and board of selectmen.
- (C) Form of Security. The form of financial security, and all associated agreements or stipulations shall be negotiated with the board of selectmen. At a minimum, the town shall accept, but not be limited to: cash; a joint passbook account; and an irrevocable letter of credit. The town shall have full access to these securities in the

case that the town must utilize them to secure the purposes of this section.

- (D) Other Requirements. The entire amount of the financial security shall be provided up front, and if requested by the applicant, there shall be a provision for reducing the amount of the security as work is completed. The town shall retain sufficient security at all times to ensure that it can fulfill all remaining purposes. The town retains the right to apply cost escalation factors to protect against inflation. The town retains the right to specify time deadlines for the completion of any or all improvements, and unless specified otherwise this deadline shall be two years from the date of recording the approved plans.

5.05 APPROVAL REQUIRED. Prior to land clearing, site preparation, construction or any other such activity may begin, and before any municipal permit for such activity may be issued, approval under this regulation is required. All activity on the site shall be in accordance with the approval. The board may vary this procedure by permitting an applicant with a conditional approval, of which the only condition(s) remaining is the completion of on-site improvements, to construct such improvements to the satisfaction of the town rather than posting the required financial security. Such construction shall be complete within two years of the issuance of the Conditional Approval. Upon confirmation by the town that the improvements have been satisfactorily completed, the final approval shall be deemed granted and the plans shall be signed and recorded. Failure to satisfactorily complete the improvements shall not vest any rights for the applicant.

5.06 AS-BUILT PLANS.

- (A) The board requires that the applicant prepare and submit to the town a set of as-built plans for all roads, underground drainage systems, and underground utilities of any type.
- (B) The only as-built subdivision plan which the board will stamp and sign is a plan showing the location of structures on condominium property. Such plans shall:
 - (1) Be certified to be correct, and stamped and signed by a N.H. Licensed Professional Engineer;
 - (2) Be accompanied by Certificates of Occupancy, if applicable;
 - (3) Clearly identify in the title block exactly what the as-built plan is approving (especially where the plan depicts only a few among many units as being

completed); and

- (4) Have the following plat note printed on each sheet, "These as-built plans are pursuant to, and without modification of the original planning board approval."

5.07 ENFORCEMENT. The board of selectmen or their duly appointed designee shall be responsible for enforcement.

5.08 INSPECTIONS. The town shall hire, at the applicants expense, a qualified consultant to perform inspections during the construction of roads, drainage facilities, and other improvements as appropriate. Inspection shall be sequenced to ensure that work is properly completed throughout the project in accordance with the approved plans.

- (A) For road construction, there shall be inspections following grubbing & clearing, following preparation and compaction of the subgrade, during placement of base course materials, prior to binder coarse paving, prior to wear coat paving, and upon completion of all work. Cut or fill slopes shall also be subject to inspection and approval.
- (B) All underground utilities shall be inspected and approved prior to burial.
- (C) The developer shall be responsible for notifying the inspection consultant at each of the construction phases, and may request additional inspections at any time during construction. Failure to provide adequate notification may result in a delay of the approvals and delay in the release of the financial security. If any part of the work is found to be inadequate, the town may order the deficient work to be reconstructed. All requests for inspection shall be made at least three working days prior to the desired inspection.
- (D) The inspector shall be responsible for maintaining a record of each inspection. At a minimum, the records shall contain the date of inspection, improvement or portion inspected (identified by station or other reasonable means), conditions found, and actions taken (approval or disapproval). Reasons for disapproval shall be supplied to the developer, in writing, within two working days of the inspection.

5.09 COMPLIANCE WITH OTHER CODES. The Subdivision Regulations in no way relieve an applicant from compliance with the Town Ordinances, the Site Plan Review

Regulations, or any other code adopted by the town or any other governmental unit. In the event that the requirements of this regulation are in conflict with the other codes, the more stringent shall apply. This is also required by RSA 676:14.

5.10 SAVING CLAUSE. If any clause, portion or section of this regulation is found invalid by a court of competent jurisdiction, this finding shall not invalidate the remainder of this regulation.

SECTION 6.00: APPLICATION FORMS & CHECKLISTS

These forms are available at the Northwood Town Hall during regular business hours.

SUBDIVISION APPLICATION FORM
Northwood Planning board

TYPE OF APPLICATION. Please circle one:

Boundary Line Adjustment Minor Subdivision Major Subdivision

PROPERTY OWNER.

Name: _____

Daytime Phone #: (_____) _____

AUTHORIZED REPRESENTATIVE. See §1.05(A) for details.

Name: _____

Firm: _____

Daytime Phone #: (_____) _____

SITE IDENTIFICATION. Please complete:

Tax Map: _____ Parcel: _____

Street Address: _____

PROJECT DESCRIPTION.

FEES SUBMITTED WITH APPLICATION.

Enter amount: \$ _____

CERTIFICATION. I hereby certify that all information presented as a part of this application is, to the best of my knowledge, correct.

Signature of Owner: _____ Date: _____

FOR OFFICE USE ONLY

CALCULATION OF FEES:

POTENTIAL REGIONAL IMPACT? YES NO

DATES:

APPLICATION RECEIVED: _____

ABUTTERS LIST PREPARED: _____ (within 5 days of above?)

APPLICATION ACCEPTANCE: _____

PUBLIC HEARING(S) AND OTHER MEETINGS:

DECISION: _____

Town of Northwood: Certificate of Monument Installation

Subdivider's Name: _____

Tax Map and Parcel: _____

Surveyor of Approved Plan: _____

Date of planning board Approval or Conditional Approval: _____

Number of granite bounds required by Approved Plan: _____

Number of iron pins required by Approved Plan: _____

"I hereby certify that the monumentation required on the above referenced subdivision plan has been accurately installed under my supervision and said monumentation complies with §3.05 of the Northwood Subdivision Regulations."

Signature of Surveyor: _____ Date: _____

Surveying Company: _____

Telephone: _____

Seal of Surveyor



CERTIFICATION

These Subdivision Regulations were modified by a majority vote of the
Northwood Planning Board on July 27, 2004.

Chairman Eric Reitter _____

Vice Chairman Robert Clark _____

Selectmen's Representative Lucy Edwards _____

Russell Eldridge _____

Nicole Delude Roy _____

Joann Bailey _____

James Hadley _____

Alternate Robert Jozokos _____

Alternate Gretchen Colpritt _____

These Subdivision Regulations were originally adopted on July 27, 1995 by a
majority vote of the Northwood Planning Board.